

## REMARKS

Reconsideration is respectfully requested.

1. In point 1 of the Office Action, the Examiner noted that the references cited in the October 27, 2003, Information Disclosure Statement have been considered.

2-3. In points 2 and 3 of the Office Action, the Examiner objected to Figure 1. As requested by the Examiner, Figure 1 has been revised to add appropriate legends and detail to the rectangular boxes previously depicted.

4. In point 4 of the Office Action, the Examiner objected to claim 8 based on an informality. In response, claim 8 has been amended to change the phrase "as defined in 1" to "as defined in claim 1." No new matter has been added. It is respectfully submitted that the objection has been overcome.

5. In point 5 of the Office Action, the Examiner objected to claims 4 and 14 as having the informality of using undefined acronyms. Claims 4 and 14 have been amended to spell out the acronyms. No new matter has been added. It is respectfully submitted that the objection has been overcome by the present amendments.

6. In point 6 of the Office Action, the Examiner objected to claims 6 and 15 as having the informality of using undefined acronyms. Claims 6 and 15 have been amended to spell out the acronyms. No new matter has been added. It is respectfully submitted that the objection has been overcome by the present amendments.

7-8. In points 7 and 8 of the Office Action, the Examiner rejected to claim 18 under 35 U.S.C. § 112, second paragraph, as being indefinite as lacking insufficient antecedent basis because claim 9 from which it depends is a system not a method. In response to this

rejection, claim 18 has been amended to depend from method claim 11. No new matter has been added. Support for the amendment can be found at least in original claim 9.

9-10. In points 9 and 10 of the Office Action, the Examiner rejected claims 11-13 and 16-18 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,138,158 to Boyle et al. ("Boyle").

Regarding claim 11, the Examiner found that Boyle discloses, *inter alia*, transmitting real time voice and/or data communications from a first mobile two-way radio (106) to a second two-way radio.

It is respectfully submitted that Boyle does not show this claimed feature. Boyle discloses transporting updated information from a web server to a mobile device or devices. Col. 4, lines 4-36. In other words, the communications are not transmitted between mobile devices as is presently claimed. In addition, the network used in Boyle is not reversible. Further, Boyle requires that the mobile device be characterized by a subscriber ID. *See, e.g.*, Figs. 5 and 6 and col. 7, lines 33 to 36. This ID allows a particular mobile device to be targeted. *See, e.g.*, Figs. 5 and 6 and col. 7, lines 33 to 36.

In particular, Boyle discloses a way of making subscribing mobile device(s) aware of updated content in a web server without constantly sending updates to the mobile devices. The problem Boyle seeks to correct is the heavy traffic in networks that constantly updating mobile units can cause. The alternative proposed by Boyle is to allow a web server with updated content to send a notification, or electronic message, to the mobile devices advising the subscribing users that content has been updated; the users can then make a decision as to whether to fetch the updated content. Col. 4, lines 4-36.

In contrast, claim 11 claims a method including transmitting real time voice and/or data communications from a first mobile two-way radio to a second two-way radio. That is, the communications go from one mobile device to another mobile device, not from a web server to mobile devices that are not communicating with each other via the network established. Further, claim 11 has been amended to make clearer that method also includes transmitting real time voice and/or data communications from the second mobile two-way radio to the first two-way radio. No new matter has been added by the amendment. Support for the amendment may be found in the specification at least at page 8, lines 14-20.

Because Boyle does not teach communications between two mobile devices or that the method can be practiced in reverse, the reference does not anticipate claim 11 or the claims that depend from it (claims 12-13 and 16-18). In addition, Boyle requires that the mobile device be characterized by a subscriber ID whereas the present invention does not.

11-12. In points 11-12 of the Office Action, the Examiner rejected claims 1-3, 5 and 7-10 under 35 U.S.C. § 103(a) as being unpatentable over Boyle. According to the Examiner, claim 1 is a corresponding obvious variation of claim 11 and therefore the reasons for rejecting claim 11 apply to claim 1. However, as explained above, Boyle does not teach communications between two mobile devices. Further, claim 1 has been amended to make clearer that system can be used in reverse. No new matter has been added by the amendment. Support for the amendment may be found in the specification at least at page 8, lines 14-20. Accordingly, these independent claim 1 and claims 2-3, 5, 7-8 9 and 10, which depend from it, are not obvious in view of Boyle.

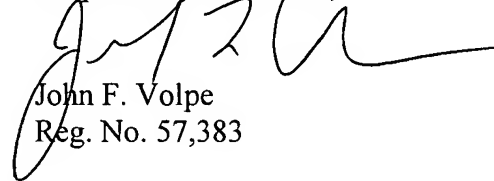
13. In point 13 of the Office Action, the Examiner rejected claims 4, 6 and 14-15 under 35 U.S.C. § 103(a) as being unpatentable over Boyle in view of the "Admitted Prior Art (disclosed on page 2, second full paragraph and page 6, second full paragraph of the present specification)." According to the Examiner, the protocols specified in these claims are conventional and use of them is an obvious expedient as an engineering design choice. However, as explained above, the claims contain allowable subject matter and, therefore, are patentable regardless of whether the use of the protocols specified in these claims is an obvious design choice.

14. In paragraph 14 of the Office Action, the Examiner made of record prior art of record and not relied upon considered pertinent to applicants' disclosure. Applicants acknowledge said action.

\* \* \*

Early and favorable action is earnestly solicited.

Respectfully submitted,



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**AMENDMENTS TO THE DRAWINGS:**

The attached drawing sheet includes changes to Figure 1. This sheet replaces the original sheet containing Figure 1.

As requested by the Examiner, Figure 1 has been revised to add appropriate legends and detail to the rectangular boxes previously depicted.

**Attachments:** One Annotated Sheet Showing Changes.

One Replacement Sheet.

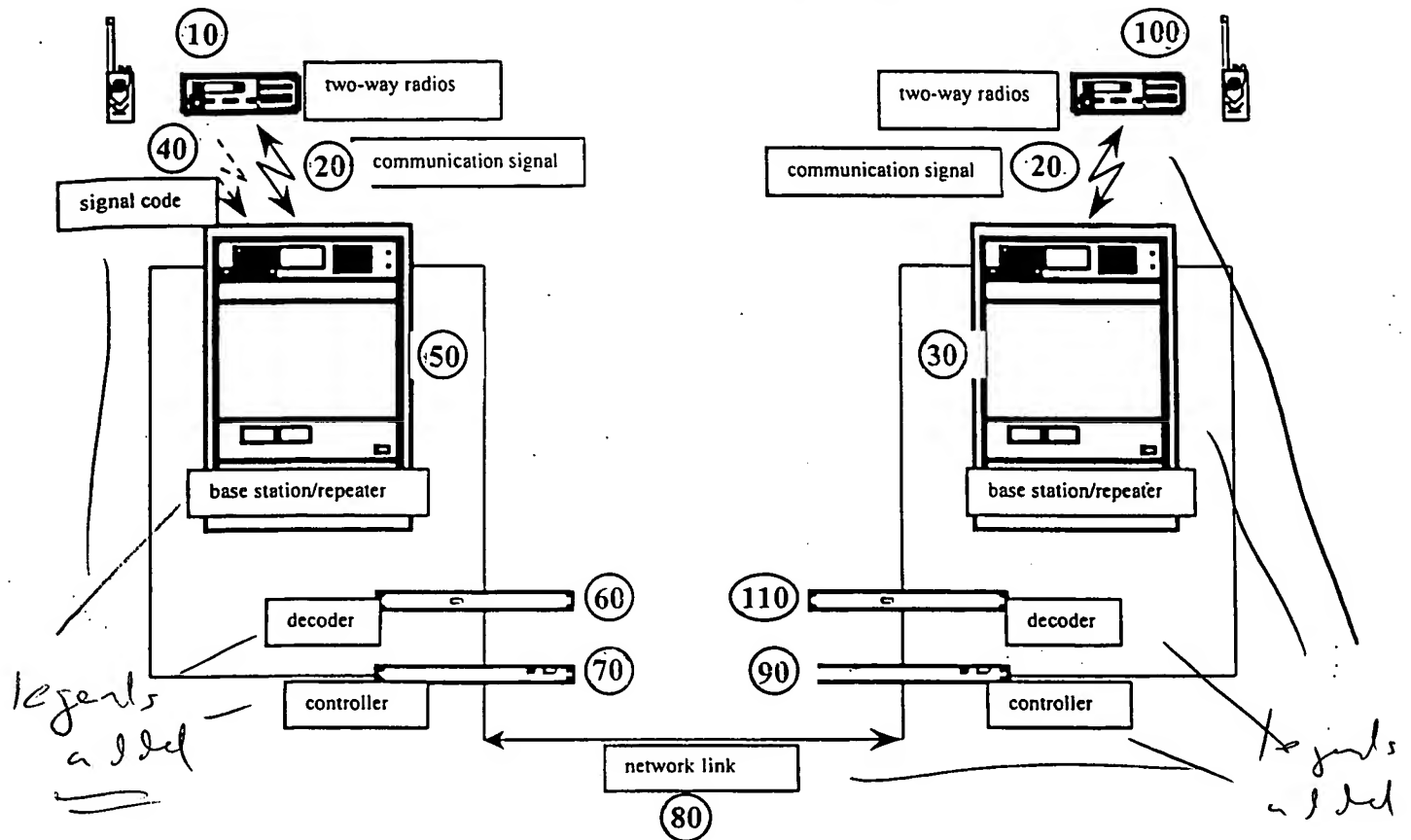


Figure 1